

SENATE BILL 327
By McNally

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 19
and Title 29, Chapter 24, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-19-142, is amended by
designating the current language as subsection “(a)” and by adding the following:

(b)

(1) The title of this subsection is, and may be cited as, the “Clean Election
Campaigns Act”.

(2)

(A) **IF** a person, corporation, organization, entity or group
publishes, broadcasts or distributes, (or causes to be published,
broadcast or distributed), any campaign literature or political
advertisement which communicates a defamatory falsehood relating to
the conduct, fitness or record of any candidate for elective office; **AND**

(B) **IF** such person, corporation, organization, entity or group
publishes, broadcasts or distributes (or causes to be published, broadcast
or distributed) , such literature or advertisement with knowledge of the
falsity or with reckless disregard of whether it is false or not; **THEN**

(C) Such person, corporation, organization, entity or group shall
be liable for damages in a defamation action brought by such candidate;

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and such damages shall include compensatory damages, as well as punitive damages in such amount as the court may allow.

(3) In any action brought pursuant to this subsection, the court may award reasonable attorney's fees and costs to the prevailing party.

(4) The provisions of Tennessee Code Annotated, Sections 29-24-104(c) and 29-24-105, shall apply to actions brought pursuant to this subsection.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.